

# Wetlands Bureau Decision Report

Decisions Taken  
06/15/2009 to 06/21/2009

## **DISCLAIMER:**

This document is published for information purposes only and does not constitute an authorization to conduct work. Work in jurisdiction may not commence until the applicant has received a posting permit.

Decisions are subject to appeal, and are reviewed by the federal agencies for compliance with Section 404 of the Federal Clean Water Act.

## **APPEAL:**

I. Any affected party may ask for reconsideration of a permit decision in accordance with RSA 482-A:10,II within 30 days of the Department's issuance of a decision. Requests for reconsideration should:

- 1) describe in detail each ground for complaint. Only grounds set forth in the request for reconsideration can be considered at subsequent levels of appeal;
- 2) provide new evidence or information to support the requested action;
- 3) Parties other than the applicant, the town, or contiguous abutters must explain why they believe they are affected; and
- 4) Be mailed to the DES Wetlands Bureau, PO Box 95, Concord, NH 03302-0095.

II. An appeal of a decision of the department after reconsideration may be filed with the Wetlands Council in accordance with RSA 482-A:10, IV within 30 days of the department's decision. Filing of the appeal must:

- 1) be made by certified mail to Lawrence E. Morse, Chairperson, Wetlands Council, PO Box 95, Concord, NH 03302-0095 (a copy should also be sent to the DES Wetlands Bureau);
- 2) contain a detailed description of the land involved in the department's decision; and
- 3) set forth every ground upon which it is claimed that the department's decision is unlawful or unreasonable.

## MAJOR IMPACT PROJECT

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**2004-02838                      183 WASHINGTON STREET LLC**  
**ROCHESTER   Unnamed Wetland**

### Requested Action:

Approve name change to: 183 Washington Street LLC, c/o Chesapeake Development LLC, 501 Daniel Webster Highway, Merrimack, NH 03045. Previous owner: Highfield Commons of Rochester LLC.

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### Conservation Commission/Staff Comments:

The conservation commission has no objections to the proposed project.

Inspection Date: 04/28/2005 by Jocelyn S Degler

### APPROVE NAME CHANGE:

Fill 30,494 square feet of palustrine forested wetland for road construction, and temporarily impact 420 square feet of wetland for installation of a sewer line for phases I and II within a proposed cluster development. The project includes 126 apartments, 84 row houses, 140 single family and 22 single family age restricted homes, a bed and breakfast, health club, general store and daycare facility on a 220 acre parcel. Compensatory mitigation includes creation of 49,970 sq.ft. of poorly drained forested wetlands in two locations designated as "Mitigation Area 2" and "Mitigation Area 3".

### With Conditions:

1. All work shall be in accordance with plans prepared by Robert Rook, PE dated received by the Department on February 10, 2005.
2. This approval is for phase I and II only. Any future work on this property, specifically south of Hussey Road, that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
3. This permit is contingent on approval by the DES Site Specific Program.
4. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback within permitted phases.
5. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #4 of this approval.
6. This permit shall not be effective until it has been recorded with the Strafford County Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
7. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the DES Office in Concord, N.H. to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
8. Work shall be conducted during low water conditions.
9. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
10. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
11. The temporary impact area for installation of the sewer line shall be regraded to original contours following completion of work, seeded and stabilized for complete restoration.
12. Mulch within the restoration area shall be straw.
13. Roadway construction will include 2:1 side slopes in wetland crossing areas.
14. Proper headwalls shall be constructed within seven days of culvert installation.
15. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
16. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
17. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized

within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.

18. Silt fencing must be removed once the area is stabilized.

19. A post-construction report documenting the status of the restored jurisdictional area, including photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.

Wetland Construction:

20. AMENDED: This permit is contingent upon the creation of two wetlands areas, now known as "Mitigation Area 2" and "Mitigation Area 3" in accordance with plans by Stoney Ridge Environmental renaming the mitigation areas, and as received on August 8, 2007. In the event that a conservation easement holder agrees to oversee the protection of the remainder of the property, the Wetlands Bureau shall review the proposal and consider an amendment to the permit.

21. This permit is contingent upon the creation of 49,970 sq. ft. of wetlands in two locations on the property.

22. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.

23. The schedule for construction of the mitigation areas shall coincide with site construction unless otherwise considered and authorized by the Wetlands Bureau.

24. The mitigation area shall be properly constructed, monitored, and managed in accordance with approved final mitigation plans.

25. Wetland creation areas shall be properly constructed, landscaped, monitored and remedial actions taken that may be necessary to create functioning wetland areas similar to those of the wetlands destroyed by the project. Remedial measures may include replanting, relocating plantings, removal of invasive species, changing soil composition and depth, changing the elevation of the wetland surface, and changing the hydrologic regime.

26. The permittee shall designate a qualified professional who will be responsible for monitoring and ensuring that the mitigation areas are constructed in accordance with the mitigation plan. Monitoring shall be accomplished in a timely fashion and remedial measures taken if necessary. The Wetlands Bureau shall be notified in writing of the designated professional prior to the start of work and if there is a change of status during the project.

27. The permittee shall notify DES and the local conservation commission in writing of their intention to commence construction no less than 5 business days prior to construction.

28. The permittee or a designee shall conduct a follow-up inspection after the first growing season, to review the success of the mitigation area and schedule remedial actions if necessary. A report outlining these follow-up measures and a schedule for completing the remedial work shall be submitted by December 1 of that year. Similar inspections, reports and remedial actions shall be undertaken in at least the second and third years following the completion of each mitigation site.

29. Wetland creation areas shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.

30. The permittee shall delineate the wetlands within the mitigation site, document the delineation with data forms, and depict the delineation as an overlay of the final as-built plans after at least five full growing seasons.

31. Wetland soils from areas vegetated with purple loosestrife shall not be used in the wetland creation site. The potential for the establishment of the invasive species should be considered in other areas where spoils may be spread to limit its further establishment.

32. The permittee shall attempt to control invasive, weedy species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*) by measures agreed upon by the Wetlands Bureau if the species is found in the mitigation areas during construction and during the early stages of vegetative establishment.

33. A post-construction report documenting the status of the completed project with photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.

With Findings:

1. This permit transfer is issued in accordance with NH Administrative Rule Env-Wt 502.02.

**2006-01053                      183 WASHINGTON STREET LLC**  
**ROCHESTER   Unnamed Wetland**

Requested Action:

Approve name change to: 183 Washington Street LLC, c/o Chesapeake Development LLC, 501 Daniel Webster Highway, Merrimack, NH 03045. Previous owner: Highfield Commons of Rochester, LLC.

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APPROVE NAME CHANGE:

Dredge and fill a total of 9,525 sq. ft. of wetlands including 2,559 sq. ft. of impact for roadbed construction and grading, 1,853 sq. ft. for roadbed construction and grading, and 5,113 sq. ft. of impact and installation of a 4' x 8' x 75' box culvert for a roadway crossing, for construction of Phase III of a 220 acre development including 126 apartments, 84 rowhouses, 140 single family and 22 single family age-restricted houses; a bed and breakfast, health club, general store, and daycare facility.

Approve as mitigation for Phase III creation of "Mitigation Area #1" consisting of 12,829 sq. ft. of wetlands, including 760 sq. ft. of vernal pool area; 7,042 sq. of forested pit and mound wetland; and 5,027 sq. ft. of forested wetland.

With Conditions:

1. All work shall be in accordance with revised plans by Robert G. Rook, P.E. 7/10/2007, as received by the Department on 8/8/2007.
2. This permit is contingent on approval by the DES Site Specific Program.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. This permit shall not be effective until it has been recorded with the Strafford County Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
5. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
6. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
7. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #6 of this approval.
8. This permit is contingent upon receipt and DES approval of stream diversion/ dewatering plan for work at any crossing locations which involve perennial streams.
9. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the DES Office in Concord, N.H. to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
10. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
11. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
12. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
13. Silt fencing must be removed once the area is stabilized.
14. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
15. Unconfined work within the river, exclusive of work associated with installation of a cofferdam, shall be done during periods of low flow.
16. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.
17. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
18. Temporary cofferdams shall be entirely removed immediately following construction.
19. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
20. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
21. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be

stabilized within 14 days by seeding and mulching.

22. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.

23. Proper headwalls shall be constructed within seven days of culvert installation.

24. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August 1992).

25. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.

26. Work shall be done during low flow.

#### Wetland construction:

1. This permit is contingent upon the creation of 12,829 sq. ft. of wetlands in accordance with plans by Robert G. Rook, P.E. dated 7/25/2007, received 8/8/2007, and in accordance with mitigation design plans by Stoney Ridge Environmental dated July 2007, as received on 8/8/2007.

2. This permit shall not be effective until it has been recorded with the Strafford County Registry of Deeds office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.

3. The schedule for construction of the mitigation area shall coincide with site construction unless otherwise considered and authorized by the Wetlands Bureau.

4. The mitigation area shall be properly constructed, monitored, and managed in accordance with approved final mitigation plans.

5. Wetland creation areas shall be properly constructed, landscaped, monitored and remedial actions taken that may be necessary to create functioning wetland areas similar to those of the wetlands destroyed by the project. Remedial measures may include replanting, relocating plantings, removal of invasive species, changing soil composition and depth, changing the elevation of the wetland surface, and changing the hydrologic regime.

6. The permittee shall designate a qualified professional who will be responsible for monitoring and ensuring that the mitigation areas are constructed in accordance with the mitigation plan. Monitoring shall be accomplished in a timely fashion and remedial measures taken if necessary. The Wetlands Bureau shall be notified in writing of the designated professional prior to the start of work and if there is a change of status during the project.

7. The permittee shall notify DES and the local conservation commission in writing of their intention to commence construction no less than 5 business days prior to construction.

8. The permittee or a designee shall conduct a follow-up inspection after the first growing season, to review the success of the mitigation area and schedule remedial actions if necessary. A report outlining these follow-up measures and a schedule for completing the remedial work shall be submitted by December 1 of that year. Similar inspections, reports and remedial actions shall be undertaken in at least the second and third years following the completion of each mitigation site.

9. Wetland (creation/restoration) areas shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.

10. The permittee shall delineate the wetlands within the mitigation site, document the delineation with data forms, and depict the delineation as an overlay of the final as-built plans after at least five full growing seasons.

11. Wetland soils from areas vegetated with purple loosestrife shall not be used in the wetland creation site. The potential for the establishment of the invasive species should be considered in other areas where spoils may be spread to limit its further establishment.

12. The permittee shall attempt to control invasive, weedy species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*) by measures agreed upon by the Wetlands Bureau if the species is found in the mitigation areas during construction and during the early stages of vegetative establishment.

13. A post-construction report documenting the status of the completed project with photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.

#### With Findings:

1. This permit transfer is issued in accordance with NH Administrative Rule Env-Wt 502.02.

**2006-02007                      NH DEPT OF TRANSPORTATION**  
**DOVER   Bellamy River**

**Requested Action:**

Reconstruct and widen approximately 3.5 miles of highway, reconfigure interchanges, rehabilitate and widen the Little Bay Twin Bridges to eight lanes and rehabilitate the General Sullivan Bridge impacting approximately 20.4 acres of palustrine, riverine and estuarine wetlands.

Compensation for wetland impacts includes preservation of 150 to 250 acres of wetland and upland habitat along with the re-construction and preservation of more than 3,100 linear feet of Railway Brook, associated wetlands and adjacent uplands (approximately 23.4 acres). Mitigation is for this project and three previously permitted projects impacting a total of approximately 22.8 acres of jurisdictional areas.

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**Conservation Commission/Staff Comments:**

Public hearing held 9-26-06.

2-6-08 rec. Final Environmental Impact Statement

rec. Nov. 2008 Record of Decision from FHWA

**APPROVE PERMIT:**

Reconstruct and widen approximately 3.5 miles of highway, reconfigure interchanges, rehabilitate and widen the Little Bay Twin Bridges to eight lanes and rehabilitate the General Sullivan Bridge impacting approximately 20.4 acres of palustrine, riverine and estuarine wetlands.

Compensation for wetland impacts includes preservation of 150 to 250 acres of wetland and upland habitat along with the re-construction and preservation of more than 3,100 linear feet of Railway Brook, associated wetlands and adjacent uplands (approximately 23.4 acres). Mitigation is for this project and three previously permitted projects impacting a total of approximately 22.8 acres of jurisdictional areas. (NHDOT project # 11238)

**With Conditions:**

1. The wetland impacts associated with this approval are based the New Hampshire Department of Environmental Services Wetlands Bureau (hereinafter "NHDES")/Army Corps of Engineers permit application received on August 11, 2006, the Final Environmental Impact Statement (hereinafter "FEIS") received on February 6, 2008 and the Record of Decision received on November 7, 2008.
2. During final design and construction work, wetland impacts that exceed 20.4 acres as represented in the plans provided in the NHDES/Army Corps of Engineers permit application and materials presented in the NHDES file, shall require submittal of a permit amendment request to be reviewed and approved by the NHDES.
3. During final design of roadway construction plans, a joint review shall be held by state and federal agencies regarding proposed water quality treatment features such as grass swales or detention basins that may cause additional jurisdictional impacts for construction to confirm need, location, and necessity for a permit amendment.
4. The water quality structures and basins shall be designed to avoid and minimize impacts to wetlands and surface waters.
5. Review and comments from NHDES shall be considered by the NH Department of Transportation (hereinafter "NHDOT") and incorporated into the design where it is reasonably appropriate.
6. Plan reviews shall be coordinated by the NHDOT at the Slope and Drain (SD) and the Preliminary Plans, Specifications and Estimates (PPSE) design phases along with an explanation of how jurisdictional impacts were avoided or, when not avoided, how the design minimizes impacts while allowing 30 days for review and comment at each of these design phases.
7. During design, efforts to avoid or minimize wetland and surface water impacts shall continue by evaluating the use of steep side slopes, and/or construction of retaining walls to the extent practicable.
8. Final design plans for roadway construction shall be submitted by the applicant, prior to construction, to NHDES and appropriate Conservation Commission for each contract with a summary of wetland impacts for the associated contract work.
9. The NHDOT shall comply with the provisions of the Section 401 Water Quality certification upon its issuance.
10. This permit is contingent upon compliance with the DES Alteration of Terrain requirements as indicated in the DES /NHDOT Memorandum of Understanding.
11. This permit is contingent upon the submission of a project specific stream diversion and erosion control plans to the NHDES

Wetlands Bureau for review and approval. Those plans shall detail the timing and method of stream flow diversion during construction, shall show the temporary siltation, erosion and turbidity control measures to be implemented, shall follow the commitments noted in the FEIS section 11-N.

12. Dredged material shall be placed out of the NHDES jurisdiction unless otherwise specified.

13. Unconfined work within the river, exclusive of work associated with installation of a cofferdam, shall be done during periods of low flow.

14. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.

15. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters, unless other methods are specifically authorized by the DES Wetlands Bureau after submittal of a SWPPP.

16. Temporary cofferdams shall be entirely removed immediately following construction.

17. Construction equipment shall not be located within surface waters.

18. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; and c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.

19. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

20. Within three days of the last activity in an area, all exposed soil areas, where construction activities are complete, shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack on slopes steeper than 3:1 or netting /matting and pinning on slopes steeper than 2:1.

21. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching or if temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching, mulching with tack on slopes steeper than 3:1 and stabilized by matting and pinning on slopes steeper than 2:1.

22. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).

23. Appropriate storm water management and erosion control Best Management Practices (BMP) shall be implemented to ensure turbidity impacts are minimized and water quality standards are not violated. If the BMP conflicts with terms or conditions of this permit, the terms and conditions of this permit shall control.

24. The project engineer shall oversee installation of erosion controls and periodically verify that the controls are properly maintained during construction.

25. The NHDOT shall limit unnecessary removal of vegetation within riparian areas during road construction and areas cleared of vegetation shall be re-vegetated as quickly as possible after construction to minimize erosion and restore wildlife habitat.

26. Land clearing in wetland areas during highway construction is to be kept to a minimum to reduce impacts on wildlife habitat.

27. Standard precautions shall be taken not to import or transport soil or seed stock from nuisance, invading species such as purple loosestrife or Phragmites.

28. There shall be no further alteration of wetlands or surface waters without amendment of this permit.

29. At least 48 hours prior to the start of each construction contract, a pre-construction meeting shall be held with NHDES Wetlands Bureau and / or other Land Resources Management Program staff at the project site, at the NHDES Office in Concord or Portsmouth, N.H. to review the conditions of this wetlands permit, the NHDES Water Quality Certificate and any environmental commitments stated in the approved documents.

30. It shall be the responsibility of the permittee to schedule and coordinate the pre-construction meeting providing at least 5-day notice to the NHDES Wetlands Bureau and / or other Land Resources Management Program staff, and the meeting shall be attended by the permittee, the contract administrator(s), wetlands scientist(s), erosion control monitor, and the contractor(s) responsible for performing the work.

31. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B.

32. Any temporary impacts within the undisturbed Tidal Buffer Zone shall be regraded to original contours and replanted with similar vegetation.

33. This permit is contingent on the execution of the mitigation components specified in the application and FEIS and shall be completed prior to the permit expiration.

34. Modifications to the mitigation proposal may be required if necessary changes to the project cause impacts that significantly exceed acres represented in the application.

35. NHDOT and NHDES shall form an Interdisciplinary Oversight Team to provide technical assistance on the construction and

completion of the brook and wetland construction site.

36. Plans shall be submitted to a state and federal technical panel for review and approval during the various stages of design regarding the construction and preservation of more than 3,100 linear feet of brook, associated wetlands and adjacent uplands (approximately 23.4 acres) to replace the existing constructed channel (Railway Brook).

37. The schedule for the construction of the brook and wetland construction areas shall coincide with the highway-widening project unless otherwise authorized by NHDES.

38. The wetland creation areas shall be properly constructed, monitored, and managed in accordance with final mitigation plans approved by NHDES.

39. Wetland creation and flood storage replacement areas shall be properly constructed, landscaped, and monitored. Remedial actions may be necessary to create functioning wetland and floodplain areas similar to those destroyed by the project. Remedial measures may include replanting, relocating plantings, removal of invasive species, changing soil composition and depth, changing the elevation of the wetland surface, and changing the hydrologic regime.

40. NHDOT shall designate a qualified professional who will be responsible for monitoring and ensuring that the mitigation areas are constructed in accordance with the mitigation plans. Monitoring shall be accomplished in a timely fashion and remedial measures taken if necessary. NHDES shall be notified in writing of the designated professional prior to the start of work and if there is a change of status during the project.

41. The NHDOT shall notify, in writing, NHDES and the local conservation commission in the municipality where the construction is to take place of their intention to commence construction no less than 5 business days prior to construction.

42. A post-construction report, including a narrative and photographs, documenting the status of the completed mitigation projects shall be submitted to NHDES within 60 days of the completion of construction.

43. NHDOT or the designated qualified professional shall conduct a follow-up inspection after the first growing season, to review the success of the mitigation area and schedule remedial actions if necessary. A report outlining these follow-up measures and a schedule for completing the remedial work shall be submitted by December 1 of that year. Similar inspections, reports and remedial actions shall be undertaken in at least the second, third and fifth years following the completion of each mitigation site.

44. Wetland creation areas shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to NHDES.

45. NHDOT shall delineate the wetlands and flood storage volume within the mitigation sites, document the delineation with US Army Corps of Engineers' data forms, and depict the delineation as an overlay of the final as-built plans after at least five full growing seasons.

46. Preservation of 150 to 250 acres of wetland and upland habitat in Newington and Dover shall be in accordance with the FEIS and shall be completed prior to the permit expiration.

47. Baseline documentation reports for all lands to be protected shall be completed and submitted to NHDES within one year following NHDOT securing ownership of the parcels or completion of easement deeds.

48. The NHDOT shall provide information on the condition of the preserved lands, as part of the third and fifth year monitoring reports on the stream/wetland construction, to insure compliance with the preservation requirements.

49. The NHDES shall be notified in writing of any transfers of the preservation lands and mitigation sites to another organization that has been retained for management purposes and the name of the entity responsible to continue long-term management and/or stewardship of the lands.

50. Conservation easements that may be placed on the preservation areas shall be written to run with the land, and both existing and future property owners shall be subject to this easement.

51. Final conservation easement language shall be recorded at the Registry of Deeds Office and a copy submitted to the NHDES.

52. Activities in contravention of the conservation easement shall be construed as a violation of this permit, and those activities shall be subject to the enforcement powers of the NHDES and/or the New Hampshire office of the Attorney General.

#### With Findings:

1. The purpose and need for the project has been documented in the Final Environmental Impact Statement (hereinafter "FEIS"), and materials presented in the NHDES file.

2. The proposed project is considered a major impact project per Rules Env-Wt 303.02(a) projects in tidal wetlands, Env-Wt 303.02(b) projects within 100 ft. of the highest observable tideline and Env-Wt 303.02(c) as impacts to jurisdictional areas exceed 20,000 sq. ft.

3. The need for the proposed access road has been recognized by varying levels of government since 1990 and once constructed, will become a part of the National Highway System. This project has consistently been acknowledged a vital component of the region's transportation network and included in the NHDOT Ten-Year Improvement Plans.

4. In 1990, the NH State Legislature recognized the need to study potential improvements in order to address safety concerns within



the project area.

5. The proposed improvements and wetland impact locations generally follow along the existing roadway, which reduces the potential for impacts to new wetland and stream areas, with the exception of the construction of one new interchange.
6. NHDOT is responsible for transportation functions in order to assure consistency and safety of the general public.
7. NHDOT has applied generally accepted methodologies to address the issues of traffic volume and projections.
8. Upon studying information provided by NHDOT, NHDES does not find any fundamental flaws in the existing traffic study, and finds the traffic projections to be a reasonable demonstration of need as required by Rule Wt 302.04(a)(1).
9. Alternatives to the proposed reconstruction and widening of roadways, including transportation system management, transportation demand management, and other options were analyzed in the FEIS. It was determined that implementing those options alone do not fully address the safety and capacity needs in the project area.
10. The NHDOT performed an adequate screening process to identify alternatives that could potentially satisfy the project purpose and summarized environmental consequences of each alternative. As a result of the screening process, a reasonable range of alternatives was selected for analysis in the Draft EIS.
11. Field inspections were conducted over several years by NHDES in coordination with other local, state, and federal agency representatives and found that the wetlands delineation, functions and values, and impact analysis were consistent with the information submitted with the application.
12. The flagging and survey of wetland boundaries during final design phase shall be shown in detail on the contract plans.
13. A Public Hearing was held jointly with the Special Committee (appointed by the Governor and Executive Council), NHDES, NHDOT, the Federal Highway Administration (FHWA) and the US Army Corps of Engineers (USACOE) on September 21, 2006 in Dover.
14. The planning and review process provided opportunities for public involvement and participation through the utilization of an Advisory Task Force, Public Informational Meetings, the application review process and a joint Public Hearing with state and federal agencies.
15. The NHDES has received and reviewed a substantial number of letters both in support of, and in opposition to, the project. Those letters are in the file, and information in those letters has been considered as part of this decision.
16. Direct impact of approximately 20.4 acres of palustrine, riverine and estuarine wetlands will result from the Selected Alternative.
17. The project will impact 1.2 acres within the 100-year floodplain (3.9 acre-feet) and is not considered significant considering the size of the rivers watershed area.
18. The flood storage impacts shall be mitigated by providing flood storage in association with the brook construction mitigation area, along with Stormwater treatment in specially designed BMP's and extended detention basins.
19. Management of storm water and erosion control, to prevent any degradation to water quality, is found in Volume I of IV, Section 11-D.
20. The NHDOT Selected Alternative meets the project purpose and represents a balance between impacts to environmental resources, social, cultural, and economic effects with transportation needs.
21. It is the finding of NHDES that the applicant has addressed all application requirements of Parts Env-Wt 301, 302, 800, and RSA 482-A.
22. NHDES based its decision to approve this project on the record before it. The NHDES concluded after a review of the record that the proposed Selected Alternative addresses the project purpose and is the least adverse impact to areas and environments under the NHDES jurisdiction.
23. Best Management Practices for treating storm water runoff and erosion and sediment control shall be followed during construction limiting impacts to water resources in the project area. If the BMP conflicts with terms and conditions of this permit, the permit terms and conditions shall control.
24. After reviewing the Dredge and Fill application file, the DES finds that this project does not require a Comprehensive Shoreland Protection Act permit per rule Env-Wq 1406.03 (a), as the department has determined the property owner has incurred substantial liabilities in a reasonable, good faith reliance on the absence of a controlling law or regulation, sometimes called vested rights.

#### Mitigation Findings

25. The mitigation approved under this permit also includes compensation for permanent impacts from three other NHDOT projects in the vicinity including permit 2004-02195 Spaulding Turnpike (exits 4 and 4N), Shattuck Way and Nimble Hill Rd.; permit 2006-00263 for a park-and-ride facility in Dover and permit 2005-00763 on and adjacent to Rte. 155 in Madbury.
26. On April 22, 2008, the NHDES received a copy of the Conservation Easement Deed on 109.12 acres of the Tuttle Farm located in Dover as recorded at the Strafford County Register of Deeds.
27. On February 5, 2009, the NHDES received a copy of the Conservation Easement Deed on 40 acres of the Day property located

in Dover as recorded at the Strafford County Register of Deeds.

28. The proposed protection within the mitigation plan will help maintain viable wildlife populations by adding to the connectivity of habitats previously fragmented by development.

29. The proposed mitigation measures will result in providing and protecting open space as a form of relief relative to future development in the surrounding towns.

30. Mitigation is not a factor considered by the NHDES in its determination of either need or impact, but is an accepted means to compensate for the impacts of the alternative with the least adverse impact. NHDES has compensatory mitigation rules, that prescribe when, and how much and what kind of, compensatory mitigation is appropriate for a given project's wetlands impact. The NHDES has concluded that the NHDOT has provided adequate compensatory mitigation relative to the project impacts.

31. A review of potential mitigation sites was conducted that resulted or will result in the preservation of wetlands and associated uplands to compensate for proposed impacts.

32. The mitigation proposal meets the NHDES regulatory mitigation ratios.

33. The entire mitigation proposal with all of the preservation components is appropriate for the scope and degree of impacts that will result from the proposed project.

34. The Department finds that the proposed impacts to wetlands and surface waters can be offset by the execution of an appropriate mitigation strategy.

**2008-00702 TRUSTEES OF DARTMOUTH COLLEGE**  
**HANOVER Girl Brook**

**Requested Action:**

Proposal to dredge and fill approximately 12,856 sq. ft. (approximately 1,200 linear feet) of intermittent stream channel and banks and associated wetlands for restoration of historic storm damage and erosion. Work consists of re-constructing and stabilizing the stream channel and banks with bio-stabilization and engineered structures, upgrading and replacing existing drainage structures and installation of a new 6 ft. span x 12 ft. run open bottom box culvert.

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**Conservation Commission/Staff Comments:**

1. The Conservation Commission supports the project.

**APPROVE PERMIT:**

Dredge and fill approximately 12,856 sq. ft. (approximately 1,200 linear feet) of intermittent stream channel and banks and associated wetlands for restoration of historic storm damage and erosion. Work consists of re-constructing and stabilizing the stream channel and banks with bio-stabilization and engineered structures, upgrading and replacing existing drainage structures and installation of a new 6 ft. span x 12 ft. run open bottom box culvert.

**With Conditions:**

1. All work shall be in accordance with plans by Pathways Consulting, LLC dated February 28, 2009 (revised), as received by DES on May 18, 2009.
2. At least 72 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Wetlands Bureau at the project site or at the DES Office in Concord, N.H. to review the conditions of this wetlands permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
3. This permit is contingent on review and approval, by the DES Wetlands Bureau, of final stream diversion/erosion control plans. Those plans shall detail the timing and method of stream flow diversion during construction, and show temporary siltation/erosion/turbidity control measures to be implemented.
4. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Work shall be done during low flow.
7. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or

other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.

8. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.

9. A qualified environmental professional shall monitor the project during construction to assure the work is conducted in accordance with the approved plans.

10. The stream restoration/stabilization shall be properly constructed, landscaped, monitored and remedial actions taken that may be necessary to create a healthy riverine system that is replicated in a manner satisfactory to the DES Wetlands Bureau. Remedial measures may include replanting, relocating plantings, removal of invasive species, changes or repairs to the approved stabilization structures.

11. A post-construction report documenting the status of the completed project with photographs shall be submitted to the DES Wetlands Bureau within sixty (60) days of the completion of construction.

12. The qualified professional shall conduct a follow-up inspection after the first growing season, to review the success of the restoration/stabilization areas and schedule remedial actions if necessary. A report outlining these follow-up measures and a schedule for completing the remedial work shall be submitted by December 1 of that year.

13. Within three days of final grading, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

14. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.

15. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.

16. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).

17. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.

18. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.

19. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

20. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.

#### With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(i) Projects that alter the course of or disturb 200 or more linear feet of an intermittent or perennial nontidal stream or river channel or its banks.

2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.

3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.

4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

5. The project will help to correct and improve the historic and recent storm event impacts to the stream.

6. The proposal is associated with a previous application/phase for restoration and culvert replacement along Girl Brook (File #2005-02558).

7. DES inspected the site on April 14, 2009 and determined that the stream and downstream riverine system would benefit from the proposed stabilization methods.

8. This project will improve site conditions and quality of the riverine system and provide for long term stabilization of the site and adjacent areas.

9. The applicant has provided a written agreement from an adjacent abutter within 20 feet of work proposed in wetlands in accordance with Administrative Rule Env-Wt 304.04(a).

10. The New Hampshire Fish and Game Department, Nongame and Endangered Wildlife Program ("NHFG") did not submit comments.

11. There were no rare, threatened or endangered plants or exemplary natural communities known to be identified on the site according to documentation from the NH Natural Heritage Bureau ("NHB") on the site.

12. The proposed project utilizes combination stabilization methods including stone, plantings and bioengineering and will help to protect the adjacent property and infrastructure.

13. This project does not require compensatory mitigation in accordance with Administrative Rule Env-Wt 302.03(c) (2) and (d).
14. DES has not received any comments in opposition to the project.
15. In accordance with RSA 428-A:8, DES finds that the requirements for a public hearing do not apply as the permitted project is not of substantial public interest, and will not have a significant impact on or adversely affect the values of the riverine resource, as identified under RSA 482-A:1.

## MINOR IMPACT PROJECT

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### **2005-01515                      NH DEPT OF TRANSPORTATION TUFTONBORO   Twenty Mile Brook**

#### Requested Action:

Install a 6 ft. (w) x 8 ft. (h) x 70 ft. long bottomless box culvert embedded 2 ft. deep and discontinue the existing 3 ft. x 7 ft. x 31 ft. stone box culvert, widen roadway to 24 ft., add 2.5 ft. shoulders, replace guardrail system and install two catch basins, a cross culvert, a driveway culvert and stabilize the outlet impacting 2,100 sq. ft. (600 sq. ft. temporary) of riverine and palustrine wetlands.

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#### Conservation Commission/Staff Comments:

Cons. Comm. report notes concerns of notification and design.

Inspection Date: 08/24/2006 by Gino E Infascelli

#### APPROVE PERMIT:

Install a 6 ft. (w) x 8 ft. (h) x 70 ft. long bottomless box culvert embedded 2 ft. deep and discontinue the existing 3 ft. x 7 ft. x 31 ft. stone box culvert, widen roadway to 24 ft., add 2.5 ft. shoulders, replace guardrail system and install two catch basins, a cross culvert, a driveway culvert and stabilize the outlet impacting 2,100 sq. ft. (600 sq. ft. temporary) of riverine and palustrine wetlands. NHDOT project #M311-2.

#### With Conditions:

1. All work shall be in accordance with plans by NHDOT Maintenance District 3 dated 6/19/08 as received by the Department on July 8, 2008.
2. Any dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
4. Construction equipment shall not be located within surface waters.
5. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
6. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
7. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.
8. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
9. Proper headwalls shall be constructed within seven days of culvert installation.
10. Work shall be done during low flow.
11. Permission from affected land owners shall be gained prior to construction.
12. Work shall be coordinated in accordance with RSA 289:3, III relating to a burial ground or cemetery.

#### With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(1), alteration of less than 200 linear feet of stream and banks.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The original application received on June 30, 2005 was to remove a 3 ft. x 7 ft. x 31 ft. stone box culvert and replace with a 48 in. x 90 ft. RCP, widen roadway to 24 ft. wide, add 2.5 ft. shoulders and replace the guardrail system impacting 1,820 sq. ft. (600 sq. ft. temporary) of riverine wetlands.
5. On July 15, the Conservation Commission made recommendations including the questioning of the abutter notifications, unusual flora and fauna, impacts related to the Division of Historical Resources and impacts from erosion.
6. On July 25, 2005, the DES received a letter from an abutting landowner noting similar concerns as the Conservation Commission and similar concerns to those noted during the DES field inspection.
7. DES Staff conducted a field inspection of the proposed project on Aug. 24, 2006. Field inspection determined that:
  - a. The size of the culvert could be increased to reduce the ponding on the upstream side and reduce the scouring downstream;
  - b. The new culvert alignment makes sense due to the "S" in the stream on the uphill side;
  - c. A 15 ft. x 25 ft. area of wetland upstream of the road was not shown of the plan and
  - d. The flow from the road runs over both abutting driveways.
8. The DES checked for species of concern and found none listed at the project location.
9. The DES met with the applicant on DEC. 12, 2007 to discuss modifications to the plan as noted in the inspection report.
10. On July 8, 2008, the DES received a modified plan reducing the length of stream impacts by 20 feet along with addressing the concerns of the DES and those of the Conservation Commission and abutter as to items that the Wetlands Bureau has jurisdiction.

**2005-02558 TRUSTEES OF DARTMOUTH COLLEGE, JOHN GRATIOT  
HANOVER Girl Brook**

**Requested Action:**

Proposal to amend a culvert length and design (culvert adjacent to "old maintenance shed") due to site changes from ongoing erosion.

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Inspection Date: 05/16/2006 by Kirsten Pulkkinen

**APPROVE AMENDMENT:**

Dredge and fill approximately 3,850 square feet of wetlands, further described as follows:

1. Dredge and fill 1,150 square feet along approximately 116 linear feet of Girl Brook for bank stabilization; and
2. Maintenance dredge 2,700 square feet (340 cubic yards) along approximately 100 linear feet of intermittent stream to remove deposited sediment; and
3. Replace failed 36-inch CMP culvert with a 36-inch x 28-foot HDPE corrugated culvert along an intermittent stream, flared culvert section and outlet protection and grade changes and controls; and
4. Install a 12-foot x 10-foot pre-cast concrete arch span and restore 216 linear feet of intermittent stream in the area of a failed 12-inch tile culvert.

**With Conditions:**

1. All work shall be in accordance with plans by Pathways Consulting, LLC dated August 26, 2006 and revised through February 10, 2006, as received by the Department on March 28, 2006, and plans dated October 25, 2005, and revised through March 23, 2007 and 2006, as received by the Department on July 31, 2007 and revised plans dated February 28, 2009, as received by the Department on May 18, 2009.
2. Work shall be done during low flow conditions.
3. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate work area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.

5. Work shall be conducted in a manner so as to minimize turbidity and sedimentation.
6. There shall be no excavation or operation of construction equipment in flowing water.
7. If necessary, prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
8. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.
9. Temporary cofferdams shall be entirely removed immediately following construction.
10. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
11. Dewatering of work areas or of dredge materials, if required, shall be conducted in a manner so as to prevent turbidity.
12. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
13. Proper headwalls shall be constructed within seven days of culvert installation.
14. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
15. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
16. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
17. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

#### RESTORATION:

18. This permit is contingent upon the restoration of 216 linear feet of intermittent stream channel, 116 linear feet of Girl Brook bank stabilization, and 100 linear feet of intermittent stream sediment removal in accordance with plans received July 31, 2007 and March 28, 2006.
19. The schedule for construction of the restoration area shall coincide with site construction unless otherwise considered and authorized by the DES Wetlands Bureau.
20. The permittee shall designate a qualified professional who will be responsible for monitoring and ensuring that the restoration, bank stabilization and sediment removal areas are constructed in accordance with the approved plans. Monitoring shall be accomplished in a timely fashion and remedial measures taken if necessary. The DES Wetlands Bureau shall be notified in writing of the designated professional prior to the start of work and if there is a change of status during the project.
21. Materials used to emulate the intermittent stream natural channel bottom must be rounded and smooth stones similar to the natural stream substrate and shall not include angular rip-rap or gravel.
22. Only native plant species shall be utilized to renegotiate the riverbank.
23. Stream restoration shall be properly constructed, landscaped, monitored and remedial actions taken that may be necessary to create a healthy riverine system that is replicated in a manner satisfactory to the DES Wetlands Bureau. Remedial measures may include replanting, relocating plantings, removal of invasive species, changing stream sinuosity, changing the slope of the stream, and changing the hydrologic regime.
24. A post-construction report documenting the status of the completed project with photographs shall be submitted to the DES Wetlands Bureau within sixty (60) days of the completion of construction.
25. The permittee or a designee shall conduct a follow-up inspection after the first growing season, to review the success of the restoration, sediment removal, and bank stabilization areas and schedule remedial actions if necessary. A report outlining these follow-up measures and a schedule for completing the remedial work shall be submitted by December 1 of that year.

#### With Findings:

DES reaffirms findings 1 through 13. Any additional changes/work in changes associated with the amended culvert design and adjacent reaches are conditioned and approved under Wetlands Bureau file #2008-00702.

1. This is a minor impact project per Administrative Rule Wt 303.03(k), projects that alter the course of or disturb less than 200 linear feet of a perennial stream or its banks.
2. The Hanover Conservation Commission noted their strong support of the project and suggested a 10-foot un-mowed setback from the top of slope at Holes 16 and 17.
3. The NH Department of Fish and Game requested a 25-foot buffer of native vegetation and culverts be sized minimally at stream

- width.
4. Vegetated buffers along Girl Brook were provided to the greatest extent possible, at a width of 10 feet along the 17th fairway and 20 feet along the 16th fairway.
  5. Increased vegetated buffers will deter future bank erosion.
  6. The 36-inch culvert replacement is sized for a 25-year storm event. Appropriate masonry headwalls and properly placed and compacted backfill are proposed to avoid future culvert failure.
  7. Approximately 216 linear feet of intermittent stream will be restored in the area of the 12-inch tile culvert failure.
  8. The applicant confirmed all jurisdictional areas were mapped by a NH Certified Wetland Scientist and are indicated on the plans.
  9. Proposed scour holes are sized to handle a 100-year storm event and will act as energy dissipaters allowing uniform sheet flow.
  10. This application is intended for the repair of damages associated with failed drainage structures; the applicant intends to submit a second application for long term bank restoration work.
  11. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
  12. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
  13. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

**2007-02437                      JEFFERSON, TOWN OF**  
**JEFFERSON   Priscilla Brook**

**Requested Action:**

Request to withdraw the pending wetlands application to retain an 7 ft. x 30 ft. CMP culvert that was installed without a permit. The culvert replaced failing approximately 10 ft. span x 12 run bridge.

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**WITHDRAW APPLICATION:**

Withdraw the pending wetlands application to retain an 7 ft. x 30 ft. CMP culvert that was installed without a permit. The culvert replaced failing approximately 10 ft. span x 12 run bridge. The culvert will be removed and a new full span bridge built through a restoration plan approval.

**With Findings:**

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(l) Projects that alter the course of or disturb less than 200 linear feet of an intermittent or perennial nontidal stream or river channel or its banks and do not meet the criteria for minimum impact under Env-Wt 303.04(n).
2. DES Staff conducted a field inspection of the proposed project on October 13, 2008.
3. The New Hampshire Fish and Game Department staff inspected the site on October 3, 2008.
4. The culvert will be removed and bridge built outside of DES jurisdiction through a restoration plan approval.
5. The compliance case will remain open until a restoration plan has been approved and the work is completed to the satisfaction of the DES Wetlands Bureau Compliance Section.

**2007-03006                      NH DEPT OF TRANSPORTATION**  
**SPRINGFIELD   Kidder Brook**

**Requested Action:**

Replace a 60" x 34 ft. metal culvert with an 83 in. x 57 in. x 50 ft. corrugated metal squash pipe approximately 15 feet to the north along with new headers impacting 1,087 sq. ft. (574 sq. ft. temporary) of riverine wetlands.

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**Conservation Commission/Staff Comments:**

Cons. Comm. - no comment

**APPROVE PERMIT:**

Replace a 60" x 34 ft. metal culvert with an 83 in. x 57 in. x 50 ft. corrugated metal squash pipe approximately 15 feet to the north along with new headers impacting 1,087 sq. ft. (574 sq. ft. temporary) of riverine wetlands. NHDOT project #M214-14.

With Conditions:

1. All work shall be in accordance with plans by NHDOT District 2 received by the Department on Dec. 31, 2007.
2. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
3. Construction equipment shall not be located within surface waters.
4. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; and c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
6. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
7. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
8. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
9. Standard precautions shall be taken to prevent import or transport of soil or seed stock from nuisance, invading species such as purple loosestrife or Phragmites.
10. Work shall be during low flow.
11. The applicant shall coordinate construction with the DES Watershed Management Bureau.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(1), alteration of less than 200 linear feet of stream and banks.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The DES Watershed Bureau requested coordination with their Clean Lakes program during construction.

**2008-01246                      NH DEPT OF TRANSPORTATION**  
**SUNAPEE    Unnamed Stream**

Requested Action:

Line the floor of an existing 8 ft. diameter metal culvert with concrete and place a stone apron in the stream at the inlet and in Lake Sunapee at the outlet to prevent scour impacting 1,082 sq. ft. (505 sq. ft. temporary) of riverine and lacustrine wetlands.

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Conservation Commission/Staff Comments:

Cons. Comm. - no comment

APPROVE PERMIT:

Line the floor of an existing 8 ft. diameter metal culvert with concrete and place a stone apron in the stream at the inlet and in Lake Sunapee at the outlet to prevent scour impacting 1,082 sq. ft. (505 sq. ft. temporary) of riverine and lacustrine wetlands. NHDOT project #M213-4.

With Conditions:

1. All work shall be in accordance with plans by NHDOT Maintenance District 2 dated 8-7-03, as received by the Department on July 3, 2008.



2. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
3. Construction equipment shall not be located within surface waters.
4. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
5. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
6. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.
7. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
8. Work shall be done during low flow and drawdown.
9. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
10. DES Wetlands Bureau to be notified at the start of construction.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(1), alteration of less than 200 linear feet of stream and banks.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on November 7, 2003. Field inspection determined that lining the culvert with concrete is reasonable considering the amount of fill over the top and that the plans needed to show access.

**2008-02529                      SANDLER, DAVID & SUZANNE**  
**MOULTONBOROUGH   Lake Winnepesaukee**

Requested Action:

Permanently remove an existing "L" shaped seasonal dock and construct a 6 ft x 39 ft permanent dock supported by two 6 ft x 6 ft cribs connected to an existing 6 ft x 39 ft permanent dock with a 6 ft x 10 ft "L" supported by three 6 ft x 6 ft cribs by a 6 ft x 12 ft permanent walkway, install a permanent boatlift in the center slip with a 14 ft x 30 ft seasonal canopy providing 3 slips on Lake Winnepesaukee, Moultonborough.

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Conservation Commission/Staff Comments:

Con Com has several concerns

APPROVE RECONSIDERATION:

Permanently remove an existing "L" shaped seasonal dock and construct a 6 ft x 39 ft permanent dock supported by two 6 ft x 6 ft cribs connected to an existing 6 ft x 39 ft permanent dock with a 6 ft x 10 ft "L" supported by three 6 ft x 6 ft cribs by a 6 ft x 12 ft permanent walkway, install a permanent boatlift in the center slip with a 14 ft x 30 ft seasonal canopy providing 3 slips on Lake Winnepesaukee, Moultonborough.

With Conditions:

1. All work shall be in accordance with plans by David Dolan revision dated February 2009, as received by the Department on February 25, 2009.
2. This permit shall not be effective until it has been recorded with the County Registry of Deeds office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
3. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not

previously permitted or grandfathered.

4. The seasonal dock shall be completely and permanently removed prior to the start of any new structures.
5. Repairs to these structures may be conducted, as necessary, throughout the duration of this permit provided that the permittee notifies the Wetlands Bureau and Conservation Commission, in writing, of the proposed start and completion date prior to performing any repair.
6. Repairs shall maintain existing size, location and configuration.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
8. This permit does not allow for maintenance dredging.
9. Canopies shall be of seasonal construction type with a flexible fabric cover. The seasonal support frame shall be removed for the non-boating season. Further, the flexible fabric cover shall be removed during all seasons of non-use.
10. The dock shall not extend more than 39 ft lakeward at full lake elevation of 504.32.
11. The maximum size of cribs shall not exceed 6 feet long by 6 feet wide and of such height as necessary to support the docking structure above the water level. Variance to this condition may be sought if water depth is greater than 6 feet.
12. Crib material shall be timber, concrete, or other material approved by the Department of Environmental Services, and of such size and spacing as necessary to completely contain the ballast.
13. The minimum clear spacing between cribs shall be 12 feet.
14. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(d), construction or modification of any docking system that exceeds the design and construction criteria discussed at Env-Wt 402.01 for minimum impact docks classified under Env-Wt 303.04.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The applicant has an average of 212 feet of shoreline frontage along Lake Winnepesaukee.
6. A maximum of 3 slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage Over 75'.
7. The proposed docking facility will provide 3 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.13. The proposed docking structure provides one less boat slip than the existing docking structures.
8. The applicant submitted information to the file indicating sufficient wave activity to support the request for a permanent dock in this location.

**2009-00473**

**DEMOULAS SUPER MARKETS INC**

**SWANZEY Unnamed Wetland**

Requested Action:

Dredge and fill 8,755 sq. ft. of palustrine emergent wetlands (wet meadow) for the construction of a  $\pm$  616,500 sq. ft. retail complex and associated parking and stormwater treatment structures.

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APPROVE PERMIT:

Dredge and fill 8,755 sq. ft. of palustrine emergent wetlands (wet meadow) for the construction of a  $\pm$  616,500 sq. ft. retail complex and associated parking and stormwater treatment structures.

With Conditions:

1. All work shall be in accordance with plans by TFM dated July 25, 2009, February 2009, February 13, 2009, and March 10, 2009, as received by the Department on March 16, 2009.
2. The Department has determined that this project is in the vicinity of an impaired waterbody. Therefore stormwater runoff

treatment for this project shall be designed and constructed so that the stormwater pollutant loads from the completed project are no greater than the stormwater pollutant loads that existed prior to the project for all pollutants causing impairment which are likely to be in stormwater discharged from the completed project.

3. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
4. Work shall be done during low flow conditions.
5. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
6. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Orange construction fencing shall be placed at the limits of construction within or directly adjacent to wetlands or surface waters to prevent accidental encroachment on wetlands.
8. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
9. Proper headwalls shall be constructed within seven days of culvert installation.
10. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
11. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h), Projects involving less than 20,000 square feet of alteration in the aggregate in nontidal wetlands, nontidal surface waters, or banks adjacent to nontidal surface waters which exceed the criteria of Env-Wt 303.04(f).
2. In correspondence dated March 18, 2009, the Swanze Conservation Commission (SCC) indicated the project was very receptive to SCC comments and many were incorporated into the application. The SCC also noted the presence of a large wetland on site in an area that the application states, "This area will be maintained as a field (until possible future development occurs)".
3. The agent for the applicant has confirmed that there are no plans for future development of the lot.
4. No comments were submitted from the federal agencies, NHFG Nongame and Endangered Wildlife Program or the Natural Heritage Bureau.
5. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
6. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
7. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

**MINIMUM IMPACT PROJECT**

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**2006-03150                      DORR, EBEN**  
**FARMINGTON   Tributary To Colbath Pond**

Requested Action:

Fill a total of 2,800 sq. ft. of wetland to widen an existing 10 ft. wide woods road to 15 ft. wide including installation of four (4) 24 in. x 15 ft. culverts within an intermittent stream. Wetland restoration of 3,000 sq. ft. is addressed under separate cover.

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APPROVE PERMIT:

Fill a total of 2,800 sq. ft. of wetland to widen an existing 10 ft. wide woods road to 15 ft. wide including installation of four (4) 24 in. x 15 ft. culverts within an intermittent stream. Wetland restoration of 3,000 sq. ft. is addressed under separate cover.

With Conditions:

1. All work shall be in accordance with revised plans by Round Pond Soil Survey dated January 2009, as received by the Department on February 6, 2009.
2. This permit is contingent upon completion of wetland restoration on the property addressed under separate cover.
3. Work within surface waters shall be done in the dry or during low flow.
4. Construction equipment shall not be located within surface waters.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
6. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
7. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
8. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
9. The DES Wetlands Bureau Pease Office shall be notified in writing prior to commencement of work and upon completion.

With Findings:

1. This is a minimum project pursuant to Administrative Rule Env-Wt 303.04(f), projects involving alteration of less than 3,000 sq. ft. of wetland.
2. The need for the proposed impacts has been addressed by the applicant per Env-Wt 302.01(b) by demonstrating that the proposal must cross wetlands at some locations on this property to access buildable uplands on the property.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the Department's jurisdiction per Env-Wt 302.03 by designing the access roadway within the same general footprint as an existing woods road.
4. The applicant will restore 3,000 sq. ft. of unauthorized work in wetlands on the property and is addressed under separate cover.
5. The applicant has addressed the concerns of Natural Heritage Bureau ("NHB") relative to the medium level fen system within the vicinity of the project. Round Pond Soil Survey determined that the medium level fen system is over 600 ft. to the southwest of the project area and has no direct hydrologic connection. NHB sent an e-mail to Round Pond Soil Survey on April 16, 2009 stating that NHB concerns were adequately addressed.
6. The applicant submitted a request for a waiver of Env-Wt 304.04, as received by DES on February 6, 2009. DES waives Env-Wt 304.04 requiring projects to be setback 20 ft. from abutter's property lines. The property has an existing roadway with a 50 ft. wide access strip to Ten Rod Road. The existing 10 ft. wide access road will be widened to 15 ft. which would make it impossible to meet Env-Wt 304.04. The existing access road is not centered on the 50 ft. wide access strip and in many locations is currently less than 20 ft. to the abutting property lines. The proposal will center the 15 ft. widening as much as possible while minimizing impacts to wetlands.

**2007-02263                      GOSHEN, TOWN OF**  
**GOSHEN   Unnamed Stream**

Requested Action:

Retain the Four Corners Rd., intermittent stream 5-ft. x 30-ft. HDPE culvert that replaced the 3.5-ft. x 25-ft. stone box culvert (approved by emergency authorization on September 25, 2007) and dredge and fill  $\pm$  95 sq. ft. of stream bed for riprap installation.

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APPROVE PERMIT:

Retain the Four Corners Rd., intermittent stream 5-ft. x 30-ft. HDPE culvert that replaced the 3.5-ft. x 25-ft. stone box culvert (approved by emergency authorization on September 25, 2007) and dredge and fill  $\pm$  95 sq. ft. of stream bed for riprap installation.

With Conditions:

1. All work shall be in accordance with plans by Eckman Engineering, LLC dated August 08, 2007, and revised through April 30, 2009, as received by the Department on May 06, 2009.

2. Work shall be done during annual low flow conditions and under dry conditions.
3. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to wetlands and surface waters.
5. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. There shall be no excavation or operation of construction equipment in flowing water.
7. All in-stream work shall be conducted in a manner that minimizes the duration of construction in the watercourse. In-stream work shall not exceed five consecutive days in total unless specifically authorized in writing by the DES Wetlands Bureau.
8. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
9. The recreated stream channel bed and culvert must maintain a consistent stream bed elevation and not impede stream flow.
10. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to construction. Faulty equipment shall be repaired prior to construction.
11. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
12. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
13. Dewatering of work areas or of dredge materials, if required, shall be conducted in a manner so as to prevent turbidity.
14. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of twenty (20) feet of undisturbed vegetated buffer.
15. Banks shall be restored to their original grades and to a stable condition within three days of completion of construction.
16. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
17. Areas from which vegetation has been cleared to gain access to the site shall be replanted with like native species.
18. The applicant shall notify the DES Wetlands Bureau in writing within twenty-four (24) hours of an erosion event resulting in sediment entering a wetland or surface water.
19. A post-construction report documenting the status of the completed construction shall be submitted to the DES Wetlands Bureau within sixty (60) days of the completion of construction.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(n) Projects that alter the course of or disturb less than 50 linear feet, measured along the thread of the channel, of an intermittent nontidal stream channel or its banks provided construction is performed during periods of non-flow.
2. Drainage calculations were submitted that confirm the installed culvert will pass a 100-year storm event.
3. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
4. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
5. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**2008-02632                      DUBLIN LAKE CLUB**  
**DUBLIN   Unnamed Wetland**

Requested Action:

Dredge and fill  $\pm$  1,672 square feet of wet meadow to install perforated drainage pipes to improve fairway drainage at the Dublin Lake Club.

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APPROVE PERMIT:

Dredge and fill  $\pm$  1,672 square feet of wet meadow to install perforated drainage pipes to improve fairway drainage at the Dublin Lake Club.

With Conditions:

1. All work shall be in accordance with plans by TFM dated November 29, 2007, and revised through May 27, 2009, as received by the Department on May 29, 2009.
2. Work shall be done during low flow conditions.
3. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
4. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Proper headwalls shall be constructed within seven days of culvert installation.
7. Culverts shall be laid at original grade.
8. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
9. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), alteration of less than 3,000 sq. ft. of wetlands.
2. No comments were submitted from federal agencies, the NHFG Nongame and Endangered Wildlife Program, the Natural Heritage Bureau, or the Conservation Commission.
3. The applicant has relocated the perforated pipe outlets from the intermittent tributary to Mountain Brook to the existing perforated pipes that outlet to a created drainage swale that flows to Mountain Brook.
4. The applicant has confirmed the Dublin Lake Club does not irrigate and has revised the Lawn Fertilizer and Integrated Pest Management Plan to incorporate comments provided by the DES Watershed Management Bureau.
5. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
6. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
7. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**2008-02633                      NH DEPT OF TRANSPORTATION**  
**ACWORTH   Unnamed Wetland Unnamed Stream**

Requested Action:

Replace a 15 in. x 37 ft. culvert and replace a 15 in. x 34 ft. culvert with a 15 in. x 40 ft. culvert impacting 275 sq. ft. (225 sq. ft. temporary) of riverine wetland.

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Conservation Commission/Staff Comments:

Cons. Comm. and Local River Ad. Comm. - no comment

APPROVE PERMIT:

Replace a 15 in. x 37 ft. culvert and replace a 15 in. x 34 ft. culvert with a 15 in. x 40 ft. culvert impacting 275 sq. ft. (225 sq. ft. temporary) of riverine wetland. NHDOT project #M401-01.

With Conditions:

1. All work shall be in accordance with plans by NHDOT Maintenance District 4 dated 10/15/08 as received by the Department on Dec. 3, 2008.
2. Any dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
4. Construction equipment shall not be located within surface waters.

5. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
6. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
7. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.
8. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
9. Proper headwalls shall be constructed within seven days of culvert installation.
10. Work shall be done during low flow.

**2008-02800                      NH DEPT OF TRANSPORTATION**  
**ALEXANDRIA   Tributary To Smith River**

Requested Action:

Slipline a 66 in. x 84 ft. corrugated aluminum culvert with a plastic liner and construct stone aprons at the inlet and outlet impacting 588 sq. ft. (135 temporary) of riverine wetlands.

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Conservation Commission/Staff Comments:

Cons. Comm. - no comment

APPROVE PERMIT:

Slipline a 66 in. x 84 ft. corrugated aluminum culvert with a plastic liner and construct stone aprons at the inlet and outlet impacting 588 sq. ft. (135 temporary) of riverine wetlands. NHDOT project #M206-9.

With Conditions:

1. All work shall be in accordance with plans by NHDOT Maintenance District 2 dated 12/08/08, as received by the Department on Dec.24. 2008.
2. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
3. Construction equipment shall not be located within surface waters.
4. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
5. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
6. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.
7. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
8. Proper headwalls shall be repaired/ constructed within seven days of culvert installation.
9. Work shall be done during low flow.
10. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
11. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.

**2009-00139                      NEW LONDON OUTING CLUB**  
**NEW LONDON   Unnamed Stream Wetland**

Requested Action:

Retain  $\pm$  520 sq. ft. of palustrine forested wetlands impact to replace a 24-inch x 100-foot CMP culvert with a 24-inch x 65-foot culvert and create vegetated swale in culvert removal area (35 linear feet) to maintain access to existing baseball fields at the New London Outing Club.

\*\*\*\*\*

**APPROVE PERMIT:**

Retain  $\pm$  520 sq. ft. of palustrine forested wetlands impact to replace a 24-inch x 100-foot CMP culvert with a 24-inch x 65-foot culvert and create vegetated swale in culvert removal area (35 linear feet) to maintain access to existing baseball fields at the New London Outing Club.

**With Conditions:**

1. All work shall be in accordance with plans by Schauer Environmental Consultants, LLC dated January 07, 2009, as received by the Department on May 07, 2009.
2. This permit is contingent upon restoration of  $\pm$  280 sq. ft. of wetlands in accordance with plans received May 07, 2009.
3. Work shall be done during low flow conditions and in the dry.
4. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
5. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. Proper headwalls shall be constructed within seven days of culvert installation.
8. Culverts shall be laid at original grade.
9. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

**With Findings:**

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), alteration of less than 3,000 sq. ft. of wetlands.
2. The existing culvert was installed sometime in the 1960's or 1970's.
3. The culvert provides the only access to the baseball fields.
4. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
5. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
6. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**2009-00245**

**JOHNSON, FREDERICK**

**CENTER BARNSTEAD Tributary To Webster Stream / Locke Lake**

**Requested Action:**

Fill 255 sq. ft. of wet meadow wetland to construct a 6' wide walking path from upland yard at existing house to existing dock on Locke Lake.

\*\*\*\*\*

**APPROVE PERMIT:**

Fill 255 sq. ft. of wet meadow wetland to construct a 6' wide walking path from upland yard at existing house to existing dock on Locke Lake.

**With Conditions:**

1. All work shall be in accordance with revised plans by Geometres Blue Hills dated 5/15/2009, as received by DES on 5/20/2009.
2. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.



3. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), alteration of less than 3,000 sq. ft. of swamps or wet meadows.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. Foot traffic must cross the marginal wetland portion of the lot to reach the existing dock.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03. The applicant has limited the dock access proposal to a walking path which is compliant with the limitations of the Comprehensive Shoreland Action, pursuant to Env-Wq 1405.03(e).
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project. There were no species of concern reported by the NH Heritage Bureau for the project vicinity.
5. The Barnstead Conservation Commission did not report.

**2009-00570 GRIMES, WILLIAM**  
**ATKINSON Unnamed Wetland**

Requested Action:

Stabilize and restore 135 linear feet of a highly eroded intermittent stream utilizing coir logs and willow stakes installed in lifts and turf reinforcement matting covering a total of 675 sq. ft. to abate further erosion to the stream banks and flow channel subject to periodic high flows discharged from an existing roadway culvert.

\*\*\*\*\*

Conservation Commission/Staff Comments:

No report or comments were received from the Atkinson Conservation Commission on this application.

APPROVE PERMIT:

Stabilize and restore 135 linear feet of a highly eroded intermittent stream utilizing coir logs and willow stakes installed in lifts and turf reinforcement matting covering a total of 675 sq. ft. to abate further erosion to the stream banks and flow channel subject to periodic high flows discharged from an existing roadway culvert.

With Conditions:

1. All work shall be in accordance with plans by Civil Construction Management, Inc. dated May 2008, as received by DES on April 02, 2009.
2. Area shall be regraded to original contours following completion of work.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, for septic setback or other construction activities.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Work shall be done during low flow.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(o), projects deemed minimum impact by the

department based on the degree of environmental impact.

2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

## EXPEDITED MINIMUM

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**2008-02147**

**NEW LONDON, TOWN OF**

**NEW LONDON**

### Requested Action:

Replace the Red Brook/Lansom Lane 4-foot x 30-foot corrugated metal culvert with a 9-foot, 6-inch x 4-foot x 30-foot aluminum box culvert and install a downstream grade control structure.

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### APPROVE PERMIT:

Replace the Red Brook/Lansom Lane 4-foot x 30-foot corrugated metal culvert with a 9-foot, 6-inch x 4-foot x 30-foot aluminum box culvert and install a downstream grade control structure.

### With Conditions:

1. All work shall be in accordance with plans received by the Department on June 15, 2009.
2. The permittee shall notify in writing John Magee, NHFG and the DES Wetlands Bureau of the proposed construction schedule as soon as possible and not later than two (2) weeks prior to the commencement of project construction.
3. Work shall be done during annual low flow conditions and during the months of May through September. No in-stream work shall occur after October 1 unless a waiver of this condition is issued by the DES Wetlands Bureau in consultation with the NH Department of Fish and Game.
4. In the event there is flow at the time of construction a stream diversion plan shall be submitted to the department prior to construction. Those plans shall detail the timing and method of stream flow diversion during construction, and show temporary siltation/erosion/turbidity control measures to be implemented.
5. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to wetlands and surface waters.
7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. There shall be no excavation or operation of construction equipment in flowing water.
9. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
10. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of twenty (20) feet of undisturbed vegetated buffer.
11. Work within the stream, inclusive of work associated with installation of a cofferdam, shall be done during periods of low flow. High flows can be caused by seasonal runoff or precipitation; the permittee shall monitor local forecasts to review weather conditions.
12. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.
13. Temporary cofferdams shall be entirely removed immediately following construction.
14. Proper headwalls shall be constructed within seven days of culvert installation.
15. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).

16. Materials used to emulate a natural channel bottom within the culvert, between wingwalls and beyond must be rounded and smooth stones similar to the natural stream substrate and shall not include angular rip-rap or gravel.
17. The recreated stream channel bed (and box culvert) must maintain the natural and a consistent streambed elevation and not impede stream flow.
18. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired prior to construction.
19. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
20. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
21. Banks shall be restored to their original grades and to a stable condition within three days of completion of construction.
22. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
23. Areas from which vegetation has been cleared to gain access to the site shall be replanted with like native species.
24. The applicant shall notify the DES Wetlands Bureau in writing within twenty-four (24) hours of an erosion event resulting in sediment entering a wetland or surface water.
25. A post-construction report documenting the status of the completed construction shall be submitted to the DES Wetlands Bureau within sixty (60) days of the completion of construction.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(1), alteration of less than 200 linear feet of perennial stream.
2. The Conservation Commission signed the Minimum Impact Expedited Application.
3. No comments were submitted from the federal agencies.
4. The Natural Heritage Bureau (NHB) report received November 13, 2008, indicted the presence of brook floater and in the project vicinity.
5. In email correspondence dated October 16, 2008, the New Hampshire Fish and Game Department (NHFG) Nongame and Endangered Species Program indicated they do not expect impacts to species identified in the NHB report.
6. In email correspondence dated May 27, 2009, the NHFG Inland Fisheries Division accepted the revised culvert proposal.
7. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
8. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
9. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

Requested Action:

Approve reconsideration request to replace the Red Brook/Lansom Lane 4-foot x 30-foot corrugated metal culvert with a 9-foot, 6-inch x 4-foot x 30-foot aluminum box culvert and install a downstream grade control structure.

\*\*\*\*\*

APPROVE RECONSIDERATION:

Approve reconsideration request to replace the Red Brook/Lansom Lane 4-foot x 30-foot corrugated metal culvert with a 9-foot, 6-inch x 4-foot x 30-foot aluminum box culvert and install a downstream grade control structure.

With Findings:

A. Grounds for Reconsideration

The request for reconsideration asserts the following as the basis for the request:

1. That due to an increased workload for the applicant that resulted from budget preparations and the December 2008 ice storm, the 60 day deadline was missed.

B. Standards and Process for Review

1. RSA 482-A:10, II requires the request for reconsideration shall describe in detail each ground for the request for reconsideration.
2. RSA 482-A:10, III provides that on reconsideration, the department will receive and consider any new and additional evidence presented, and make findings of fact and rulings of law in support of its decision after reconsideration.
3. RSA 482-A:10, V provides that the burden of proof is on the party seeking to set aside the department's decision to show that the

decision is unlawful or unreasonable.

4. If the department is persuaded by a request for reconsideration of a permit denial was erroneous, the result is that the permit originally requested would be granted.

C. Findings of Fact and Rulings of Law

1. RSA 482-A:3, XIV establishes the process that the department must follow when processing applications and establishes deadlines by which decisions must be made.

2. The subject Minimum Impact Expedited Application was received October 06, 2008 and was determined to be administratively incomplete on October 06, 2008.

3. The applicant submitted outstanding items in a submittal received November 13, 2008.

4. The application was determined to be administratively complete on November 14, 2008.

5. By letter dated December 09, 2008, the department requested more information pursuant to RSA 482-A:3, XIV(a)(2) ("RFMI"). The RFMI included comments provided by the New Hampshire Fish and Game Department (NHFG), Inland Fisheries Division regarding culvert type and dimensions.

6. The department did not receive a complete response to the RFMI within the 60 days of the request per RSA 482-A:3, XIV(a)(2).

7. Based on RSA 482-A:3, XIV a)(2) the department denied the application because the issues raised in the RFMI were not addressed.

8. A request for reconsideration was received on March 06, 2009. The reconsideration provided a response to the December 09, 2008, RFMI.

9. By letter dated March 26, 2009, the department requested more information and included revised NHFG comments regarding culvert sizing.

10. The applicant submitted a response to the March 26, 2009, letter, received May 22, 2009, for a revised culvert proposal.

11. In email correspondence dated May 27, 2009, the NHFG Inland Fisheries Division stated the revised culvert proposal was a, "good solution for the crossing."

D. Decision

1. Based on the foregoing, the department has granted the reconsideration to the subject application, file number 2008-02147.

**2009-00617                      NELSON FAMILY REVOC REAL ESTATE TRUST, JOEL & JOYC**  
**WOLFEBORO   Crescent Lake**

Requested Action:

Construct a 600 sq ft perched beach on Crescent Lake, Wolfeboro.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Con Com signed Exp Application on April 07, 2009

APPROVE PERMIT:

Construct a 600 sq ft perched beach on Crescent Lake, Wolfeboro.

With Conditions:

1. All work shall be in accordance with plans by Land Tech revision dated May 18, 2009, as received by DES on May 20, 2009.

2. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

3. Dredged or excavated material shall be placed outside of the DES Wetlands Bureau jurisdiction.

4. Stone placed along the beach front for the purpose of retaining sand shall be placed above and/or landward of those rocks currently located along the normal high water line (Elevation 534). Those rocks existing at the normal high water line shall remain otherwise undisturbed such that the natural shoreline remains identifiable.

5. No more than 10 cu yds of sand may be used and all sand shall be located above the normal high water line.

6. This permit shall be used only once, and does not allow for annual beach replenishment.

7. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.

8. Revegetation of trees, shrubs and ground covers representing the density and species diversity of the existing stand of vegetation removed for this project shall begin at a distance no greater than 5 feet landward from the beach area.
9. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabile.
10. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(d), construction of a beach.

**2009-00850                      STARKEY, KENNETH & CHERYL**  
**SUNAPEE   Lake Sunapee**

Requested Action:

Install a 3 ft x 9 ft stair in the bank to stabilize an existing eroding slope on Lake Sunapee, Sunapee.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Con Com signed Exp Application

APPROVE PERMIT:

Install a 3 ft x 9 ft stair in the bank to stabilize an existing eroding slope on Lake Sunapee, Sunapee.

With Conditions:

1. All work shall be in accordance with plans as received by DES on May 08, 2009.
2. Area shall be regraded to original contours following completion of work.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(m), projects which disturb less than 50 linear feet of shoreline.

**2009-00919                      SOLETSKY, PHILIP**  
**TUFTONBORO   Lake Winnepesaukee**

Requested Action:

Install a seasonal set of 6 ft wide stairs attached to the existing 6 ft x 30 ft seasonal dock on Lake Winnepesaukee, Tuftonborough.

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Conservation Commission/Staff Comments:

Con Com signed Exp Application

APPROVE PERMIT:

Install a seasonal set of 6 ft wide stairs attached to the existing 6 ft x 30 ft seasonal dock on Lake Winnepesaukee, Tuftonborough.

With Conditions:

1. All work shall be in accordance with plans as received by DES on May 18, 2009.

2. This permit shall not be effective until it has been recorded with the County Registry of Deeds office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
3. Seasonal stairs shall be removed for the non-boating season.
4. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
5. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(o), projects deemed minimum impact by the department based on the degree of environmental impact.
2. The addition of stairs to the existing seasonal docking structure will not add any slips or increase impacts to the waterbody.

**2009-00993                      FULLERTON DISCRETIONARY REVOC TRUT, CYNTHIA  
MEREDITH   Lake Winnepesaukee**

Requested Action:

Construct a 506 sq ft perched beach on Lake Winnepesaukee, Meredith.

\*\*\*\*\*

APPROVE PERMIT:

Construct a 506 sq ft perched beach on Lake Winnepesaukee, Meredith.

With Conditions:

1. All work shall be in accordance with plans by New Hampshire Environmental Consultants dated May 18, 2009, as received by DES on May 26, 2009.
2. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
3. Dredged or excavated material shall be placed outside of the DES Wetlands Bureau jurisdiction.
4. Stone placed along the beach front for the purpose of retaining sand shall be placed above and/or landward of those rocks currently located along the normal high water line (Elevation 504.32). Those rocks existing at the normal high water line shall remain otherwise undisturbed such that the natural shoreline remains identifiable.
5. The steps installed for access to the water shall be located completely landward of the normal high water line.
6. No more than 10 cu yds of sand may be used and all sand shall be located above the normal high water line.
7. This permit does not allow for the placement of any sand on the remaining sloped beach area.
8. This permit shall be used only once, and does not allow for annual beach replenishment.
9. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
10. Revegetation of trees, shrubs and ground covers representing the density and species diversity of the existing stand of vegetation removed for this project shall begin at a distance no greater than 5 feet landward from the beach area.
11. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(d), construction of a beach.
2. The construction of a 506 sq ft perched beach and placing sand only on the perched beach area is less impacting than placing sand on the entire 900 sq ft sloped beach.

## LAKES-SEASONAL DOCK NOTIF

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**2009-01116 SAVAGE, DAVID**  
**MIDDLETON Sunrise Lake**

COMPLETE NOTIFICATION:  
Middleton Tax Map 2, Lot# 2 Sunrise Lake

**2009-01188 BARNEY, DALE**  
**CANAAN Canaan Street Lake**

COMPLETE NOTIFICATION:  
canaan Tax Map I-D, Lot# 54

**2009-01190 VINAGRO, VICTOR & MARY**  
**WAKEFIELD Belleau Lake**

COMPLETE NOTIFICATION:  
Wakefield Tax Map 23, Lot# 10 Belleau Lake

## ROADWAY MAINTENANCE NOTIF

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**2009-01151 ALTON HIGHWAY DEPT, TOWN OF**  
**ALTON Unnamed Stream**

COMPLETE NOTIFICATION:  
Replacement of 4 15' culverts and one 18" culvert

**2009-01153 NH DEPT OF TRANSPORTATION**  
**GILFORD Unnamed Stream Drainage Ditch**

COMPLETE NOTIFICATION:  
Culvert replacement, remove vegetation and sediment and reshape ditch demensions

**2009-01154 LEE HIGHWAY DEPT.**  
**LEE Unnamed Stream**

COMPLETE NOTIFICATION:  
Extension of two seperate 24" concrete culverts

**2009-01161 NH DEPT OF TRANSPORTATION/KONOVER DEVELOPMENT CORP**  
**RICHMOND Unnamed Stream**

COMPLETE NOTIFICATION:

Replace an existing metal culvert with plastic and reconstruct headwalls

PERMIT BY NOTIFICATION

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**2009-01103                      GOULD 1999 FAMILY TRUST, H RUSSELL & SHIRLEY GOULD**  
**PIERMONT   Unnamed Stream**

Requested Action:

Propose to dredge and fill 832 sq. ft. of wetland and associated intermittent stream for construction of a driveway to a single family lot. Work in wetlands consists of one wetland crossing including an intermittent stream crossing with a 30" diameter by 40' length culvert and associated ledge apron, filling, and grading.

\*\*\*\*\*

PBN IS COMPLETE:

Dredge and fill 832 sq. ft. of wetland and associated intermittent stream for construction of a driveway to a single family lot. Work in wetlands consists of one wetland crossing including an intermittent stream crossing with a 30" diameter by 40' length culvert and associated ledge apron, filling, and grading.

With Conditions:

1. All work shall be in accordance with plans by C.M. Davidson, Inc., entitled Permit By Notification Type #1 for Gould 1999 Family Trust (sheets 1-6) as revised on June 11, 2009 and received by DES on June 11, 2009.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.

With Findings:

1. This project meets the criteria of NH Administrative Rule Env-Wt 506.01(a) (8) The installation of a culvert or bridge and associated fill to permit vehicular access to a piece of property for a single family building lot or for noncommercial, recreational uses that meets the criteria in Env-Wt 303.04(z).
2. The Conservation Commission signed the PBN waiving their right to intervene pursuant to RSA 482-A:11.
3. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program or the Natural Heritage Bureau.

**2009-01163                      DIPACE, THOMAS**  
**ALTON   Lake Winnepesaukee**

Requested Action:

PBN disqualified to install seasonal boatlift, install seasonal PWC lifts, and repair existing docking facilities pursuant to Env-Wt 501.04(f) after-the-fact application shall not be expedited.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Con Com signed PBN form

PBN DISQUALIFIED:

PBN disqualified to install seasonal boatlift, install seasonal PWC lifts, and repair existing docking facilities pursuant to Env-Wt 501.04(f) after-the-fact application shall not be expedited.



With Findings:

1. The PBN form was submitted as an after-the-fact request to retain structures and work done to existing docking structures.
2. Pursuant to Env-Wt 501.04(f), after-the-fact applications shall not be expedited.

**CSPA PERMIT**

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**2008-02792                      HARWELL, MIKE & SALLY**  
**ALTON   Lake Winnepesaukee**

Requested Action:

Impact 114 sq ft for the purpose of expanding an existing deck.

\*\*\*\*\*

**DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:**

Impact 114 sq ft for the purpose of expanding an existing deck.

With Findings:

1. Requests for additional information dated January 9, 2009 and March 17, 2009 addressed to the applicant or agent of record, clearly request the applicant to submit additional information to DES within 60 days of the request.
2. Pursuant to RSA 483-B:5-b, V(a), if the requested additional information is not received by DES within 60 days of the request, DES shall deny the application.
3. DES did not receive the requested additional information within the 60 days and therefore the application has been denied.

**2009-00462                      HARRIS, CHARLES**  
**CENTER HARBOR   Squam Lake**

Requested Action:

Impact 24,340 sq ft for the purpose of constructing a single-family dwelling with a deck, driveway and parking area and relocating and constructing a deck onto an existing dwelling.

\*\*\*\*\*

**APPROVE PERMIT:**

Impact 24,340 sq ft for the purpose of constructing a single-family dwelling with a deck, driveway and parking area and relocating and constructing a deck onto an existing dwelling.

With Conditions:

1. All work shall be in accordance with plans by Randall T Mudge and Associates May 26, 2009 and received by the Department of Environmental Services ("DES") on May 23, 2009.
2. All actions associated with the installation of the proposed septic system are contingent on approval by the DES Subsurface Systems Bureau.
3. No portion of the proposed decks may be within the Primary Building Setback.
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
5. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the

site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.

8. No more than 15.8% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.

9. The project as proposed will leave approximately 9,182 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 9,182sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).

10. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.

11. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.

12. Any fill used shall be clean sand, gravel, rock, or other suitable material.

**2009-00584                      SANDOWN CONSERVATION COMMISSION, TOWN OF  
SANDOWN   Exeter River**

**Requested Action:**

Impact 1200 sq ft for the purpose of constructing a parking lot and a 6' wide footpath to the water.

\*\*\*\*\*

**APPROVE PERMIT:**

Impact 1200 sq ft for the purpose of constructing a parking lot and a 6' wide footpath to the water.

**With Conditions:**

1. All work shall be in accordance with plans by Andrew Robinson revised May 23, 2009 and received by the Department of Environmental Services ("DES") on May 29, 2009.
2. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.
3. No natural ground cover shall be removed from within the Water Front Buffer except as necessary for a 6' wide foot path to the water in order to comply with RSA 483-B:9,V(a)(2)(C).
4. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
5. All impacts within wetlands, surface waters, and their banks shall require a Wetland Permit under RSA 482-A.
6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
8. No more than 6.3% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
9. The project as proposed will leave approximately 109,581 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 55,400 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
10. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
11. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
12. Any fill used shall be clean sand, gravel, rock, or other suitable material.

**2009-00712                      BATTREALL, STEPHEN & SUSAN  
SUNAPEE   Mountain View Lake**

**Requested Action:**

Impact 910 sq ft for the purpose of constructing a storage building.

\*\*\*\*\*

**APPROVE PERMIT:**

Impact 910 sq ft for the purpose of constructing a storage building.

**With Conditions:**

1. All work shall be in accordance with plans by CLD Consulting Engineering revised May 11, 2009 and received by the Department of Environmental Services ("DES") on May 13, 2009.
2. There shall be no additional loading to the existing septic system from the proposed structure unless approved by the DES Subsurface Bureau.
3. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.
4. Drip line infiltration trenches shall be installed as proposed in plans by CLD Consulting Engineering within 6 months of the initiation of construction.
5. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
8. No more than 21.3% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
9. The project as proposed will leave approximately 10,205 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 2,779 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
10. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
11. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
12. Any fill used shall be clean sand, gravel, rock, or other suitable material.

**2009-00716                      LAMB, STEVEN**  
**ANDOVER   Bradley Lake**

**Requested Action:**

Impact 2000 sq ft for the purpose of constructing a gazebo, a retaining wall, a 140 sq ft gravel pathway and adding a deck onto an existing single-family dwelling.

\*\*\*\*\*

**APPROVE PERMIT:**

Impact 2000 sq ft for the purpose of constructing a gazebo, a retaining wall, a 140 sq ft gravel pathway and adding a deck onto an existing single-family dwelling.

**With Conditions:**

1. All work shall be in accordance with plans by Steve Lamb revised May 14, 2009 and received by the Department of Environmental Services ("DES") on June 1, 2009.
2. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.
3. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

4. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
6. No more than 17.0% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
7. The project as proposed will leave approximately 1725 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 1725 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
8. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
9. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
10. Any fill used shall be clean sand, gravel, rock, or other suitable material.

**2009-00774                      LONARDO, CHARLES**  
**DERRY   Big Island Pond**

Requested Action:

Impact 240 sq ft for the purpose of constructing a deck onto an existing, non-conforming, primary structure.

\*\*\*\*\*

APPROVE PERMIT:

Impact 240 sq ft for the purpose of constructing a deck onto an existing, non-conforming, primary structure.

With Conditions:

1. All work shall be in accordance with plans by Charles Lonardo dated April 27, 2009 and received by the Department of Environmental Services ("DES") on April 29, 2009.
2. No portion of the proposed deck may extend more than 12' towards the reference line in order to comply with RSA 483-B:11,I.
3. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.
4. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No more than 16.1% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
8. There shall be no impacts to native vegetation between 50' and 150' of the reference line associated with the proposed project in order to comply with RSA 483-B:9, V, (b), (2), (A), (i).
9. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
10. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
11. Any fill used shall be clean sand, gravel, rock, or other suitable material.

**2009-00779                      CRAWFORD, STEVEN & ROSE**  
**MOULTONBOROUGH   Lake Winnepesaukee**

Requested Action:

Impact 12,463 sq ft for the purpose of installing a patio, a walkway, and a bio-retention area.

\*\*\*\*\*

APPROVE PERMIT:

Impact 12,463 sq ft for the purpose of installing a patio, a walkway, and a bio-retention area.

With Conditions:

1. All work shall be in accordance with plans by Pollock Land Planning LLC revised May 28, 2009 and received by the Department of Environmental Services ("DES") on May 29, 2009.
2. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.
3. No new impervious surfaces shall be constructed until the bio-retention areas and planting needed to bring the waterfront buffer segments up to the minimum points required have been completed as shown on the approved planting plan.
4. No native vegetation shall be removed from the waterfront buffer for the completion of the proposed project.
5. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
8. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
9. No more than 20.9% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
10. The project as proposed will leave approximately 1900 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. There shall be no impacts to native vegetation between 50' and 150' of the reference line associated with the proposed project in order to comply with RSA 483-B:9, V, (b),(2),(A),(ii).
11. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
12. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
13. Any fill used shall be clean sand, gravel, rock, or other suitable material.

2009-00800

CHALMERS, MARGARET

SUNAPEE Lake Sunapee

Requested Action:

Impact 800 sq ft for the temporary impacts associated with replacing a existing deteriorated retaining wall in-kind.

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APPROVE PERMIT:

Impact 800 sq ft for the temporary impacts associated with replacing a existing deteriorated retaining wall in-kind.

With Conditions:

1. All work shall be in accordance with plans by Barbara Chalmers dated December 21, 2008 and received by the Department of Environmental Services ("DES") on May 4, 2009.
2. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.
3. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and

mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

4. No more than 32.7% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.

5. There shall be no impacts to native vegetation between 50' and 150' of the reference line associated with the proposed project in order to comply with RSA 483-B:9, V, (b), (2), (A), (i).

6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.

7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.

8. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.

9. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.

10. Any fill used shall be clean sand, gravel, rock, or other suitable material.

**2009-00820 POST, JOHN**  
**STRAFFORD Bow Lake**

Requested Action:

Impact 372 sq ft for the purpose of constructing a deck onto an existing single-family dwelling.

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APPROVE PERMIT:

Impact 372 sq ft for the purpose of constructing a deck onto an existing single-family dwelling.

With Conditions:

1. All work shall be in accordance with plans by Round Pond Soil Survey dated April 2009 and received by the Department of Environmental Services ("DES") on May 29, 2009.

2. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.

3. No portion of the proposed deck shall extend into the Primary Building Setback in order to comply with RSA 483-B:9,II(b).

4. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.

6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.

7. No more than 3.7% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.

8. The project as proposed will leave approximately 7,955 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 7,955 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).

9. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.

10. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.

11. Any fill used shall be clean sand, gravel, rock, or other suitable material.

**2009-00834 SMITH, PETER & GWENDOLYN**  
**SPOFFORD Spofford Lake**

Requested Action:

Impact 2,242 sq ft for the purpose of removing and replacing an existing single-family dwelling within the same foot print and installing a patio, parking pad, side walk, and state approved septic system.

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APPROVE PERMIT:

Impact 2,242 sq ft for the purpose of removing and replacing an existing single-family dwelling within the same foot print and installing a patio, parking pad, side walk, and state approved septic system.

With Conditions:

1. All work shall be in accordance with plans by Peter Smith dated May 28, 2009 and received by the Department of Environmental Services ("DES") on May 29, 2009.
2. All actions associated with the installation of the proposed septic system are contingent on approval by the DES Subsurface Systems Bureau.
3. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.
4. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No more than 19.7% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
8. The project as proposed will leave approximately 900 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 742 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
9. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
10. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
11. Any fill used shall be clean sand, gravel, rock, or other suitable material.

**2009-01057                      RUNDQUIST, KRISTINA**  
**SUTTON   Kezar Lake**

Requested Action:

Impact 1112 sq ft for the purpose of re-grading to install drip-edge drains, drainage swales and a catch basin.

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APPROVE PERMIT:

Impact 1112 sq ft for the purpose of re-grading to install drip-edge drains, drainage swales and a catch basin.

With Conditions:

1. All work shall be in accordance with plans by Bristol, Sweet, and Associates Inc dated May 28, 2009 and received by the Department of Environmental Services ("DES") on June 1, 2009.
2. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.
3. No additional stormwater shall be directed to the surface water body as a result of the proposed project.
4. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes

steeper than 3:1.

5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No more than 22.0% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
8. The project as proposed will leave approximately 4787 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 4787 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
9. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
10. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
11. Any fill used shall be clean sand, gravel, rock, or other suitable material.

**2009-01058                      NORTHUMBERLAND, TOWN OF**  
**NORTHUMBERLAND   Upper Ammonoosuc River**

Requested Action:

Impact 4,650 sq ft for the purpose of installing a sewage pump station, a valve vault, a sewer main, sewer lines, and resurfacing and widening an existing public roadway and pump house parking area and replacing twin 72-inch corrugated steel culverts with a 31-foot pre-cast bridge.

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APPROVE PERMIT:

Impact 4,650 sq ft for the purpose of installing a sewage pump station, a valve vault, a sewer main, sewer lines, and resurfacing and widening an existing public roadway and pump house parking area and replacing twin 72-inch corrugated steel culverts with a 31-foot pre-cast bridge.

With Conditions:

1. All work shall be in accordance with plans by CLD Consulting Engineers dated May 2009 and received by the Department of Environmental Services ("DES") on June 1, 2009.
2. All proposed impacts within wetlands, surface waters, and their banks shall require a Wetland Permit under RSA 482-A.
3. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.
4. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
8. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
9. Any fill used shall be clean sand, gravel, rock, or other suitable material.

**2009-01059                      HIGLEY, ROBERT & BETTE**  
**MEREDITH   Lake Winnepesaukee**



Requested Action:

Impact 440 sq ft for purpose of constructing an accessory structure.

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APPROVE PERMIT:

Impact 440 sq ft for purpose of constructing an accessory structure.

With Conditions:

1. All work shall be in accordance with plans by Bob and Bette Highley dated June 2009 and received by the Department of Environmental Services ("DES") on June 1, 2009.
2. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.
3. Trees within the Water Front Buffer may be removed as long as the stumps and root systems remain the remaining tree and sapling score does not total less than 50 points per segment.
4. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No more than 2.2% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
8. The project as proposed will leave approximately 29,980 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 29,980 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
9. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
10. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
11. Any fill used shall be clean sand, gravel, rock, or other suitable material.

CSPA PERMIT W/WAIVER

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**2009-00591                      GEYERS, JAMES**  
**GILFORD   Lake Winnepesaukee**

Requested Action:

Impact 2071 sq ft of area not already vested for the installation of a portion of a septic system.

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Inspection Date: 06/02/2009 by Raymond M Reimold

APPROVE PERMIT:

Impact 2071 sq ft of area not already vested for the installation of a portion of a septic system.

With Conditions:

1. All work shall be in accordance with plans by Granite State Septic Designs dated April 6, 2009, and received by the Department

of Environmental Services ("DES") on April 8, 2009.

2. This permit is contingent on approval by the DES Subsurface Systems Bureau.

3. No more than 22.5% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.

4. The project as proposed will leave approximately 4310 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. All of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).

5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.

6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.

7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.

8. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.

9. Any fill used shall be clean sand, gravel, rock, or other suitable material.